IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1164 OF 2007

Mr. Gurmukhsingh Sohansingh Saini ..Petitioner

Vs.

1. The State of Maharashtra
2. Smt. Gurpreetkaur Gurmukhsingh Saini ..Respondents

Mr. V.N. Tayade for petitioner.
Mr. A.S. Shitole, APP for State.
Respondent no.2-wife is present.

CORAM: B.H. MARLAPALLE, J.

Date : July 06, 2007.

P.C.:

1. Rule. Rule is taken up for hearing finally forthwith. Respondents waive service.

2. Heard Mr. Tayade the learned counsel for the petitioner-husband. He is praying for quashing of the proceedings in Criminal Case No. 732 of 2000 presently pending against him at the instance of the respondent no.2-wife.

3. Marriage Petition No. 459 of 2006 is filed by the petitioner-husband. The marriage performed

between the parties on 2/3/1999 has been dissolved as per the Judgment and Order dated 23/4/2007. The said decree of dissolution of marriage and divorce has been obtained by mutual consent of the parties and the custody of the minor daughter is retained with the wife.

4. The respondent-wife is present before the court and she has supported this petition. The Assistant Registrar of this court was called upon to verify the wife's consent and accordingly the respondent-wife appeared before the said Officer and stated that she has no grievance or dispute against the petitioner-husband or any of his family members. She has thus supported the petition. The learned counsel for the petitioner has relied upon the judgment in the case of B.S. Joshi and ors. vs. State of Haryana and anr. [AIR 2003 SC 1386].

5. Hence, the petition is allowed and Rule is made absolute in terms of prayer clause (a).

(B.H. Marlapalle,J.)